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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,155	12/20/2001	Richard Shann	858063.454	3573
500	7590	11/03/2004	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			NAIHAR, QAMRUN	
701 FIFTH AVE			ART UNIT	
SUITE 6300			PAPER NUMBER	
SEATTLE, WA 98104-7092			2124	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/032,155	<b>Applicant(s)</b> SHANN, RICHARD	
	<b>Examiner</b> Qamrun Nahar	<b>Art Unit</b> 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/15/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-20 have been examined.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

That is, 37 CFR 1.56 has to be stated in the oath or declaration, not only part of it.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: "said set of relocation instruction" on line 7 of the claim should be "said set of relocation instructions". Appropriate correction is required.

5. Claim 8 is objected to because of the following informalities: "dung" on line 2 of the claim should be "during". Appropriate correction is required.

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6. Claim 9 is objected to because of the following informalities: “the pass value of claim 8” on line 2 of the claim should be “the pass value indicative of the most recent repetition”.

Appropriate correction is required.

7. Claim 13 is objected to because of the following informalities: “at least one relocation is read” on line 7 of the claim should be “at least one relocation **instruction** is read”. Appropriate correction is required.

8. Claim 13 is objected to because of the following informalities: “determining the symbol identified by the symbol field is determined” on lines 8-9 of the claim should be “the symbol identified by the symbol field is determined”. Appropriate correction is required.

9. Claim 14 is objected to because of the following informalities: “at least one relocation is read” on line 7 of the claim should be “at least one relocation **instruction** is read”. Appropriate correction is required.

10. Claim 14 is objected to because of the following informalities: “determining the symbol identified by the symbol field is determined” on lines 8-9 of the claim should be “the symbol identified by the symbol field is determined”. Appropriate correction is required.

11. Claim 14 is objected to because of the following informalities: “instruction, the retrieved symbol attribute being placed in a store for subsequent use by a further relocation instruction is

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retrieved.” on lines 11-12 of the claim should be “instruction **is retrieved**, the retrieved symbol attribute being placed in a store for subsequent use by a further relocation instruction.”.

Appropriate correction is required.

12. Claim 15 is objected to because of the following informalities: “at least one relocation is read” on line 7 of the claim should be “at least one relocation **instruction** is read”. Appropriate correction is required.

13. Claim 15 is objected to because of the following informalities: “determining the symbol identified by the symbol field is determined” on lines 8-9 of the claim should be “the symbol identified by the symbol field is determined”. Appropriate correction is required.

14. Claim 15 is objected to because of the following informalities: “instruction, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction is retrieved.” on lines 11-12 of the claim should be “instruction **is retrieved**, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction.”.

Appropriate correction is required.

15. Claim 16 is objected to because of the following informalities: “at least one relocation is read” on line 7 of the claim should be “at least one relocation **instruction** is read”. Appropriate correction is required.

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16. Claim 16 is objected to because of the following informalities: “determining the symbol identified by the symbol field is determined” on lines 8-9 of the claim should be “the symbol identified by the symbol field is determined”. Appropriate correction is required.

17. Claim 16 is objected to because of the following informalities: “instruction, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction” on lines 11-12 of the claim should be “instruction **is retrieved**, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction”. Appropriate correction is required.

18. Claim 16 is objected to because of the following informalities: “fa pass value” on line 12 of the claim should be “a pass value”. Appropriate correction is required.

19. Claim 17 is objected to because of the following informalities: “at least one relocation is read” on line 7 of the claim should be “at least one relocation **instruction** is read”. Appropriate correction is required.

20. Claim 17 is objected to because of the following informalities: “determining the symbol identified by the symbol field is determined” on lines 8-9 of the claim should be “the symbol identified by the symbol field is determined”. Appropriate correction is required.

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21. Claim 17 is objected to because of the following informalities: “instruction, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction” on lines 11-12 of the claim should be “instruction **is retrieved**, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction”. Appropriate correction is required.

22. Claim 17 is objected to because of the following informalities: “fa pass value” on line 12 of the claim should be “a pass value”. Appropriate correction is required.

23. Claim 18 is objected to because of the following informalities: “at least one relocation is read” on line 7 of the claim should be “at least one relocation **instruction** is read”. Appropriate correction is required.

24. Claim 18 is objected to because of the following informalities: “determining the symbol identified by the symbol field is determined” on lines 8-9 of the claim should be “the symbol identified by the symbol field is determined”. Appropriate correction is required.

25. Claim 18 is objected to because of the following informalities: “instruction, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction” on lines 11-12 of the claim should be “instruction **is retrieved**, the retrieved symbol attribute being placed in a stack for subsequent use by a further relocation instruction”. Appropriate correction is required.

26. Claim 18 is objected to because of the following informalities: “fa pass value” on line 12 of the claim should be “a pass value”. Appropriate correction is required.

27. Claim 18 is objected to because of the following informalities: “also including” on line 16 of the claim should be “includes”. Appropriate correction is required.

28. Claim 19 is objected to because of the following informalities: “associates” on line 7 of the claim should be “associated”. Appropriate correction is required.

29. Claim 19 is objected to because of the following informalities: “it” on lines 8 and 10, respectively, should be replaced with “said program code means”. Appropriate correction is required.

30. Claim 20 is objected to because of the following informalities: “associates” on line 7 of the claim should be “associated”. Appropriate correction is required.

31. Claim 20 is objected to because of the following informalities: “it” on lines 8 and 10, respectively, should be replaced with “said program code means”. Appropriate correction is required.



***Claim Rejections - 35 USC § 112***

32. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

33. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

34. Claim 1 recites the limitation "the contents" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "contents".

Claims 2-10 are rejected for dependency upon rejected base claim 1 above.

35. Claim 11 recites the limitation "said symbol value" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "symbol value".

Claim 12 is rejected for dependency upon rejected base claim 11 above.

36. Claim 13 recites the limitation "the contents" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "contents".

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37. Claim 14 recites the limitation "the contents" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "contents".

38. Claim 15 recites the limitation "the contents" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "contents".

39. Claim 16 recites the limitation "the contents" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "contents".

40. Claim 17 recites the limitation "the contents" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "contents".

41. Claim 18 recites the limitation "the contents" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "contents".

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42. Claim 18 recites the limitation "the predetermined value" in line 19 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "a predetermined value".

43. Claim 19 recites the limitation "said symbol value" in lines 4-5 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "symbol value".

44. Claim 20 recites the limitation "said symbol value" in lines 4-5 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "symbol value".

### ***Claim Rejections - 35 USC § 102***

45. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

46. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eidt (U.S. 6,219,830).

**Per Claim 1 (as best understood):**

The Eidt patent discloses:

- **a method of forming an executable program from a plurality of object code modules, each object code module having section data, a set of relocation instructions, and one or more symbols, each symbol having a plurality of attributes associated therewith, wherein said relocation instructions include a data retrieval instruction having a symbol field identifying a symbol and an attribute field identifying a symbol attribute associated with said identified symbol to be retrieved** (“The invention takes advantage of certain characteristics of executable object code files to drastically reduce the number of bytes of relocation information which are required per relocation. In particular, roughly described, relocation table entries in an executable object code file is interpreted as relocation instructions rather than individual specifications for a particular respective relocatable information item. An abstract machine is provided for interpreting the relocation instructions and performing various relocation operations and various control functions for the abstract machine, in response to the relocation instructions. The abstract machine maintains certain variables containing information which is referenced and updated in response to certain types of the relocation instructions, thereby obviating the need to include such information as part of each relocation instruction.” in column 4, lines 53-67; column 10, lines 20-29; column 10, lines 53-67 to column 11, lines 1-8; and see Figure 2)
- **reading at least one relocation instruction from said set of relocation instructions and where said relocation instruction is a data retrieval instruction, determining the symbol identified by the symbol field and retrieving one of said plurality of symbol attributes**

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**associated with said symbol in dependence on contents of the symbol attributes field of said instruction** (column 12, lines 12-67 to column 13, lines 1-24; column 13, lines 35-67 to column 14, lines 1-8; and see Figure 5).

**Per Claim 2 (as best understood):**

The Eidl patent discloses:

- wherein said retrieved symbol attribute is placed in a store for subsequent use by a further relocation instruction (column 10, lines 20-29).

**Per Claim 3 (as best understood):**

The Eidl patent discloses:

- wherein said store is a stack (column 10, lines 20-29).

**Per Claim 4 (as best understood):**

The Eidl patent discloses:

- wherein said method further comprises recording a pass value indicative of the number of times said set of relocation instructions from said plurality of object code modules have been read (column 10, lines 43-51).

**Per Claim 5 (as best understood):**

The Eidl patent discloses:

- wherein said plurality of symbol attributes includes the value of the symbol (column 10, lines 20-29).

**Per Claim 6 (as best understood):**

The Eidl patent discloses:

- wherein said plurality of symbol attributes includes the name of the symbol itself (column 10, lines 66-67 to column 11, lines 1-3).

**Per Claim 7 (as best understood):**

The Eidl patent discloses:

- wherein said plurality of symbol attributes includes a ranking determinator, said ranking determinator defining which one of a plurality of definitions of said symbol is selected when forming said executable program (column 10, lines 53-67 to column 11, lines 1-8).

**Per Claim 8 (as best understood):**

The Eidl patent discloses:

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- wherein said plurality of symbol attributes includes said pass value indicative of the most recent repetition of said set of relocation instructions during which the value of said symbol has been retrieved (column 10, lines 66-67 to column 11, lines 1-3).

**Per Claim 9 (as best understood):**

The Eidl patent discloses:

- wherein said method further comprises determining if the pass value indicative of the most recent repetition is equal to or only one less than said recorded pass value and in response to said determination placing a predetermined value in said store (column 10, lines 53-67 to column 11, lines 1-8).

**Per Claim 10 (as best understood):**

The Eidl patent discloses:

- further comprising reading said predetermined value placed in said store and deleting the section data labeled by said symbol in response to the value of said predetermined value (column 11, lines 66-67 to column 12, lines 1-5).

**Per Claim 11 (as best understood):**

This is another version of the claimed method discussed above (claims 1, 4, 5 and 9), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 12 (as best understood):**

The Eidt patent discloses:

- when said symbol attribute field of said data retrieval instruction identifies said symbol value, storing said pass value in a further one of said symbol attributes (column 10, lines 20-29 and lines 43-51).

**Per Claim 13 (as best understood):**

This is a computer program product version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 14 (as best understood):**

This is a computer program product version of the claimed method discussed above (claims 1 and 2), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 15 (as best understood):**



This is a computer program product version of the claimed method discussed above (claims 1 and 3), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 16 (as best understood):**

This is a computer program product version of the claimed method discussed above (claims 1, 3 and 4), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 17 (as best understood):**

This is a computer program product version of the claimed method discussed above (claims 1, 3 and 7), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 18 (as best understood):**

This is a computer program product version of the claimed method discussed above (claims 1, 3, 4 and 7-10), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 19 (as best understood):**

This is a computer program product version of the claimed method discussed above (claims 1, 4, 5 and 9), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

**Per Claim 20 (as best understood):**

This is a computer program product version of the claimed method discussed above (claims 1, 4, 5 and 9), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eidt.

***Conclusion***

47. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 *if calling before October 28, 2004*; otherwise *if calling on or after October 28, 2004*, then the telephone number is (571)272-3730. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN  
October 26, 2004

*Kakali Chaki*  
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